

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
H. DAYA INTERNATIONAL CO., LTD.,

Plaintiff,
-against-

DO DEMIM, LLC, REWARD JEAN, LLC, R.
SISKIND & COMPANY, INC., SALOMON
MURCIANO, VINTAGE APPAREL GROUP, LLC,
RICHARD SISKIND, ONLY BRAND, INC., ABC
COMPANIES 1-100 (fictitious entities), & JOHN
DOES 1-100 (fictitious persons),

Defendants.

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DOC #:	
DATE FILED:	12/3/2019

Civil Action No.: 16-cv-08668
(VM) (DCF) *Star Funding is directed to respond to the subpoena no later than 12/13/19. Failure to do so may result in its being held in contempt. Counsel for Defendants is directed to serve a copy of this Order on Star Funding by overnight courier and to file proof of such service.*
SO ORDERED: DATE: 12/4/19

elizabeth r. baksh

DEBRA FREEMAN
UNITED STATES MAGISTRATE JUDGE
(This involves 8kt. 106)

**NOTICE OF MOTION FOR CONTEMPT AND TO COMPEL
NON-PARTY STAR FUNDING, INC. TO RESPOND TO SUBPOENA**

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Elizabeth R. Baksh, dated October 21, 2019 (“Baksh Declaration”), the exhibits attached thereto, and the Memorandum of Law in Support of Defendants’ Motion for Contempt and to Compel Non-Party Star Funding, Inc. (“Star Funding”) to Respond to Subpoena, Defendants R. Siskind & Company, Inc., Vintage Apparel Group LLC, and Richard Siskind (the “Siskind Defendants”) will move before the Honorable Debra C. Freeman, United States Magistrate Judge of the Southern District of New York at the United States Courthouse, 500 Pearl Street, New York, New York, at a date and time to be determined, for an Order, pursuant to Rules 37(a) and 45(g) of the Federal Rules of Civil Procedure, and this Court’s inherent authority: (i) holding Star Funding in contempt for failure to respond to the subpoena served upon it on April 5, 2019 (the “Subpoena”), annexed to the Baksh Declaration as Exhibit A; (ii) compelling Star Funding to respond to the Subpoena within one (1) week of the hearing or determination of this motion; (iii)

requiring Star Funding to file and serve a sworn certification that Star Funding has made all diligent and reasonable efforts and searches for documents responsive to the Subpoena; (iv) sanctioning Star Funding by awarding the Siskind Defendants attorneys' fees and expenses they have incurred in prosecuting this motion; and (v) granting such other or further relief as the Court may deem just and proper.

PLEASE ALSO TAKE NOTICE THAT, under Local Civil Rule 6.1, Star Funding must submit its opposition to the motion within seven (7) days after service of the moving papers.

The Siskind Defendants certify that they have made efforts to confer in good faith with Star Funding regarding its failure to respond to the Subpoena but have been unable to resolve this dispute.

Dated: October 21, 2019

DORSEY & WHITNEY LLP

By: /s/ Elizabeth R. Baksh
Elizabeth R. Baksh

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*Attorneys for Defendants R. Siskind &
Company, Inc., Vintage Apparel Group LLC
and Richard Siskind*

TO: All Counsel of Record (via ECF)

Star Funding, Inc. (via E-MAIL and UPS Next Day Air)
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New York, New York 10018